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ABSTRACT

This paper provides an update on how some new charter schools have fared during the first year of operation under Pennsylvania's charter school legislation (PA Act 22, June 1997). Data should facilitate an examination of the degree to which the legislation supports or inhibits the entrepreneurial school reform practice of charter schools. Twenty Chief Academic Officers (CAOs) from charter schools completed a questionnaire about operation under the legislation, and 4 CAOs were interviewed. Data suggest that the concerns of most CAOs revolve around the vague language related to charter school-school district issues. The resolution of these issues and the maintenance of fairly good relationships between the charter schools and the school districts hinge on review and revision by state legislators and more precise and consistent determinations by the Pennsylvania State Department of Education. The level of support by the state department of education also appears ambiguous. An interesting finding was that urban charter school CAOs felt more conflict with the local school district than did the CAOs of rural and suburban charter schools. Legislators who wish to support the innovative practices of charter schools must strengthen legislation to support this school reform measure. (Contains 17 references.) (SLD)

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Existence Under PA's Charter School Law: First Year Reports

By Addie M. Johnson (Ed.D)

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EXISTENCE UNDER PA'S CHARTER SCHOOL LAW: FIRST YEAR REPORTS

A review of Pennsylvania's entrepreneurial charter school program, in terms of its strengths and weaknesses, was reported in a previous paper which presented a comparison of the legislation based on the supportive features of other recognized strong state charter school laws (Johnson, 1997). As a result of this review, recommendations for legislative revisions were offered to address the needs identified to enhance the success of charter school programs. The few revisions which have been implemented to date appear to be mainly a result of interpretation of the legislation rather than changes in the law.

Acceptance of charter schools as a viable alternative to public education was predicated on the basis of the concept of autonomy with the resultant potential for creativity and innovation in curriculum and pedagogical practice (Bierlein, 1997). It is still too early to examine the types of practices in existence and the impact on student outcomes in Pennsylvania (PA) since only a few charter schools began to function as of September, 1997. With the authorization of charter school legislation in June of 1997, 32 applications had been approved. However, by the end of 1998, of the 169 applications submitted, only 31 additional charter schools were approved with an anticipated enrollment of 6,000 students.

The rationale for the creation of charter schools was to provide parents with more choice within public education. Autonomous in nature, these schools would be free of the bureaucracy and state mandates required of other schools in the public system. This concept of freedom may be translated into implementation of new ways to develop curriculum, experimentation with innovative pedagogical practices, and/or the establishment of different organizational patterns serving grade group variations without the formation of a total K-12 institution, etc. This

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notion of a public charter school appealed to many educators, teachers, parents, and students who, for a variety of reasons, desired an alternative to the public schools currently in existence. In addition, Pennsylvania legislators were eager to approve a type of choice program representative of a compromise between the governor's call for a voucher system, and constituent group desires for alternatives to heavily bureaucratic public educational systems. Although charter school legislation was viewed as a "back door" to a voucher choice program, support for the enactment of the legislation was garnered in both the senate and the state house of representatives (Greenawalt, 1995), and finally supported by the governor. Therefore, a charter school program portended to meet the wishes of both groups to some degree.

As an entrepreneurial effort, charter schools reflect the adaptation of practices in the business arena which thrive on the concepts of competition through free enterprise in attempts to induce an environment where school reform can flourish (Geske, et al., 1997). There are many advantages to engagement in a private sector entrepreneurial educational venture. Development of an educational institution based in the private sector can offer a broad-based educational package and is free to target appeals to different value dimensions (Chubb & Moe, 1990). In a market setting an educational institution can reflect a full, heterogeneous range of educational concerns and match organizational means to organizational ends. Schools in market settings can also alleviate teachers from bureaucratic constraints which hinder their vision of innovative pedagogical practice in performing educational tasks. Accordingly, teachers will have "more discretion in determining school practices"(Chubb & Moe, 1990, p. 60). Educational entrepreneurs in response to a market setting would discourage bureaucratic forms of organization to "promote development of autonomy, professionalism and other traits associated with effective schooling"(p. 167).

Furthermore, as a choice alternative, it is anticipated that teachers in an autonomous environment are likely to be more excited about their work with students, engage in newer pedagogical approaches such as inquiry, problem-solving techniques, project development, thematic interdisciplinary curricula, etc. and actively participate in school governance

decision-making processes. Students, on the other hand, based on their own or their parents' selection of a charter school, may improve not only academically but in areas such as positive behavior, good attendance and punctuality as well. Some of these institutions serving academically disadvantaged students will offer a smaller setting, with caring, patient teachers interested in attending to student academic needs and achieving improved student performance.

However, despite all the potential benefits of obtaining waivers from constraints and restrictions that regulate public schools, charter schools are totally accountable both to the state and to their constituents (Nathan, 1996) for improved student performance, and in the case of Pennsylvania, for meeting state content standards. In addition to the accountability factor, the relationship between charter schools and their sponsoring district(s) may need to change as time progresses. Currently, charter school applicants apply to the district in which the charter school will locate; districts therefore may either approve or disapprove the application with an actual appeal process not anticipated until approximately November, 1999. Access to Title One applications, other federal programs, special education funding, transportation needs and subcontracts for insurance and personnel benefits, to name a few items, have charter schools still somewhat dependent on their sponsoring districts. It is obvious that this dependency is only viable for a short time period, such as 1-2 years maximum. Therefore the state department of education should assume the responsibility of enabling charter schools to become independent as soon as it is feasible for them to do so through its technical assistance program. This brief overview is provided to offer a short summary of challenges faced by charter schools in their daily operations.

The purpose of this paper is to provide an update on how some new charter schools have fared during the first year of operation under Pennsylvania's charter school legislation (PA Act 22, June, 1997). The objective therefore, is to identify legislation as supportive or inhibitive in newly approved charter school efforts to meet their operational goals in acknowledging the needs of their entire school constituency. The report of this first year data will facilitate an examination of the viability of the degree to which the legislation supports or inhibits this entrepreneurial school reform practice.

Methods for Conducting the Research

The methodology used for this research study consisted of a qualitative design. Information was collected through interview protocols and questionnaire surveys of numerous charter schools which were granted charter status and existed as such during the first year of Pennsylvania's charter school program. Participants in the study consisted of charter school Chief Academic Officers (CAOs). Participants were selected representative of four different areas of the state. Open-ended interview questions were designed to encourage participants to present their own perspective; this protocol was followed by specific questions directly related to components of the legislation discussed in the initial report depicting the strengths and weaknesses of Pennsylvania's charter school legislation (Johnson, 1998). These questionnaires were distributed to those Chief Academic Officers who, after a description of the research during a telephone conversation, agreed to participate in the study. Twenty -five CAOs were contacted; 20 completed the questionnaire. Data was categorized and classified according to their regularities or irregularities of appearance in the data analysis process (Hammersley & Atkinson, 1992). Based on data classification, the components of the legislation selected served as the framework used to examine the contributing and inhibiting factors which appeared to impact successful organizational operation in participant charter school programs.

In addition, data from four interview sessions with CAOs were revised into whole forms from verbatim hand-written records. Commentary was aligned within the new categories and classified according to regularity of appearance; diverse commentary was also recorded and considered as concerns unique to specific school organizations, school and student characteristics, and locale.

HIGHLIGHTS OF THE PENNSYLVANIA CHARTER LAW

The initial report on Pennsylvania's charter school law cited its strengths, areas to be reviewed for possible revision, and recommendations which would enhance the overall

legislation. Briefly, the strengths of the legislation consisted of:

-unlimited charter sites allowed

-application by educator and non-educator groups alike

-grants provided for start-ups

-criteria for awarding grants in application materials

-charter school legal and fiscal autonomy

-transitional funding to school districts granting charters

-75% certified teaching faculty

-50% teacher/parent agreement for private/public conversion

-teacher transfer from public school maintaining 5 year right of return and tenure

- transportation covered in 1975 law

This first report also discussed the misinterpretations of the law by school districts. The reasoning for this occurrence has since been attributed to a lack of technical assistance offered to school districts via information sessions. The latter probably could not be employed since the Department of Education office handling charter schools was provided with insufficient staffing.

Some of the areas noted for review and revision constituted the following:

- an appeals process scheduled to commence two years after passage of the law
- requirement of community signatures for appeal almost ten times the anticipated charter school student population
- a student academic accountability system on which rests charter school renewal without consideration given to type of student population (at risk, bilingual, etc.), establishment of base-line data in terms of formative and summative evaluation, or technical assistance provided for understanding of the new state standards on which the PA assessment system would be devised.
- fiscal accountability without technical assistance provided for governance boards
- reliance on sponsoring school district(s) for remittance of appropriate amount of funding including special education funding

- reliance on sponsoring school district(s) for information regarding Title One applications and meeting transportation needs
- no specific language for subcontracting of essential services through sponsoring school districts e.g., insurance, guiding maintenance, federal food programs,etc.

SECTIONS OF THE PA CHARTER SCHOOL LEGISLATION INCLUDED IN THE SURVEY

The open-ended questionnaire was divided into the following six sections: (1)Operations (2)Teacher Core, (3) Funding, (4) Technical Assistance, (5) Academic Accountability, and (6) other important concerns/issues. The following discussion will address major areas from each of these sections.

Legislation Supportive or Inhibitive of Charter School Operation

The first two questions addressed whether respondents determined the PA charter school legislation to be supportive or inhibitive during (1) the application and approval processes and (2) in facilitating initial school operation. Most respondents believed that the law clearly framed the process with provisions for timely rejoinders from school districts. Many perceived the legislation as offering freedom to create curriculum, release from numerous state mandates, freedom to designate the student population, certification allowances, etc. In addition, the Pennsylvania Department of Education was accorded accolades in providing excellent technical support during the application phase. However, these beliefs may be prevalent among the Chief Academic Officer (CAO) participants since they did not have to engage in understanding all facets of the law; almost every CAO and governance board either hired a lawyer or a member of the board provided that service. Most of the concerns regarding the extent to which the law was restrictive appeared to become noticeable during initial school operation efforts. At least 20% of CAOs knowledgeable about the law stated that the legislation lacked specificity and was unclear in many sections thus allowing school district interpretation to favor the district's viewpoint rather than that of the charter school. Examples representative of misinterpretations consisted of areas such as transportation, employee benefits, and sharing information on

application for Title One funding in a timely manner. Some CAOs claimed that school boards requested additional requirements beyond those stated in the charter application; there was no immediate recourse to school district actions since the appeals process would not be established for another one and a half years.

TEACHER CORE

The next category consisted of questions which addressed the teacher core in regards to percentage required for state certification, transfer procedures, and any existing impact from teacher unionism requests. Most participants related a smooth transition from public/private to charter status for teachers. The law requires 75% certified teachers for each charter school; this mandate did not appear problematic. Eighty percent of charter schools did not experience any problem, however, 40% of that group consisted of private school conversions which did not have to recruit new staff. The 20% which did claim problems in this area identified urban school districts which needed teachers in specific subject disciplines as denying public school teachers leave to work in charter schools. Only a few schools cited teachers who desired to apply for union status; the latter was discouraged by their CAOs. Other queries in this category were concerned with the PA Department of Education (PDE) requesting charter schools to hire only certified substitute teachers. Currently, there is a shortage of substitute teachers, regardless of certification, in all Pennsylvania schools, urban, suburban, and rural. Holding charter schools to the letter of the law in this regard constitutes mandating them to be held to a higher standard than that of public schools. It is one example of PDE embracing legal interpretations designed to curtail rather than support charter school expansion and development.

FISCAL ISSUES

Fiscal issues constitute a category covering several subsections such as timely school district financial remittances to charter schools, expectations for incoming revenue to meet charter school expenditures, the necessity for subcontracting of major expenditures, and compliance with special education funding guidelines.

First of all, it is interesting that although school districts are entitled to "holdbacks" which cover transportation costs, special budget expenditures, etc. at their sites, 80% of charter schools receive funding on time without dispute. Only 20% had problems in continuously receiving late payments. (One large urban district however was reported as notorious for being continuously tardy.) It is anticipated that either CAOs have been informed regarding normal "holdbacks" or they may be totally unaware of these procedures. Almost all charter schools indicate a need for funding to be available prior to the beginning of the school year in August. This is an identified need in 80% of those polled; all schools expect a non-reoccurence of late opening payments the following school year.

Connected to this category of "holdbacks" for transportation and other costs by individual school districts, was the difficulty some charter schools experienced in having the sponsoring district provide transportation to charter school students which is definitely a provision of the PA legislation. Those schools sponsored by the largest urban center in the state delayed as long as possible before finally making arrangements for charter school students. In addition, although private school students within a radius of various miles can apply for transportation and memberships in extra-curricular activities such as sports, music, and arts programs, on some occasions, these were denied to charter school students. None of the CAOs interviewed discussed pursuing this issue with either the school district or PDE.

One of the recommendations cited in the initial study was for the charter school funding path to come directly from the state, however 20% of the CAOs preferred the present system thereby stating that there is an entitlement to local/county funding which might be disputed if that change was incurred. However, it must be noted that funding from local sources could remain localized while state funding could emanate directly from the state; this would avoid late and delayed payments at the beginning and throughout the school year. In terms of sufficient funding to cover expenses, within quarters, at least 75% of the CAOs determined that the revenue met their expected funding levels. Many CAOs noted that although this was the situation, finances were "tight"; money to explore some of the creative concepts of their faculty

was not available. To offset this, in a few schools, both faculty and CAOs are engaged in grant writing activities.

Another major area not addressed in the legislation which was conceived as placing hardships on newly instituted charter schools was being able to join the sponsoring school district in subcontracts dealing with costly items such as insurance, building maintenance, staff benefits, etc. Sixty percent of the charters bear these costs alone; it is not known if they had approached their sponsoring districts regarding this issue. However, 40% of the charters were able to subcontract items through the district. This issue is important because it represents another layer which may assist or inhibit charter school longevity.

There was a mixed response from charter CAOs to the category dealing with appropriate and timely special education funding for compliance with federal regulations. The third of the group representative of private conversions incurred no problems as would be expected. Another third claimed that although funding was provided in a timely manner, there were problems accessing specific personnel such as a speech therapist. Apparently some CAOs did not find themselves in a position to assess this area properly at present. In Pennsylvania, special education guidelines were not available to the charter schools at the outset of program initiation directly after legislative approval, therefore there were some delays in obtaining essential information and providing for legal compliance.

TECHNICAL ASSISTANCE

Participants were requested to describe the technical assistance provided by the state department of education to inform charter school members of the required legal, contractual, and fiscal procedures. Eighty percent of the participants indicated that the PA department of education had been quite supportive in these areas, however 20% claimed that PDE needed to do a better job interpreting the legislation. Examples of the latter involve providing essential technical assistance in terms of informing school districts of the intricacies of the law regarding their responsibilities. Most CAOs in this category claimed that a great deal of time

was spent attempting to convince school districts of issues that were clearly addressed in the legislation but were being disclaimed by the districts. As stated earlier, most chief academic officers and governance boards hired lawyers to interpret and respond to legal, contractual, and fiscal procedures. However, there was a consensus that governance boards needed more technical support in these areas; to date there is no mention of scheduling information sessions for this constituency.

One relevant question is this category addressed the clarity of the wording in the legislation so that it is comprehensive to both governance boards and school boards alike. Almost all participants (95%) stated that too much of the language of the law is vague and open to multiple interpretations. This is the underlying factor causing dissension between charters and school districts.

ACADEMIC ACCOUNTABILITY

The price of freedom from most state regulations necessitates accountability in terms of improved student performance on the Pennsylvania's standardized assessment. The latter is currently being revised to reflect the newly designed state content standards. Most of the present state assessment does reflect these standards in the English/Language Arts and Mathematics sections with the expectation of additions in the Social Studies and Sciences within the next two years.

Charter school contract renewal from the state will hinge on how well charter school students perform on the statewide assessment program. It was interesting to note that 60% of the charters did not understand this as a vital part of their continued existence. One CAO stated: "I suspected that would be the case"...in reference to the use of student performance as an accountability factor in contract renewal. There was no explanation for a lack of knowledge regarding this section of the charter contract. Of those CAOs interviewed, all claimed they utilized the PA standards to design their curriculum; there was the belief that adherence to those standards would translate into good student performance on the assessments. However,

most were unaware that the assessment program for the year 2000 would reflect the standards and that charter school students would be held accountable for their performance.

To further complicate the issue, most CAOs did not purchase and administer a formative assessment program, therefore base-line data for student performance does not exist. They questioned how the PA Department of Education would measure student improvement since in most charter schools, students in the grade levels assessed (3rd, 5th, 8th, and 11th) represented a very small population which when compared to public school students would not yield any meaningful statistical information. Therefore, 80% of participants believed the attempt at obtaining any type of statistical data to determine contract renewal would be unfair, with 20% being totally unaware of the implications of the assessment process.

AN ADDITIONAL ISSUE

One issue cited by some charter school officers concerned the need for the legislation to address academic accountability in terms of charters which limit their student populations to "at risk" or "disruptive" students. There is the concern that the state assessment in an inequitable format for comparison with other districts. To offset future problems, some of these schools have decided to implement a formative/summative assessment program to facilitate monitoring the progress of their students. This measure is designed to provide evidence of improved student performance since almost all of these students function well below grade level expectations.

CONCLUSIONS and DISCUSSION

In examining the overall impact of the current legislation according to the first year charter school academic officers, it appears from the data collected that most concerns rests with the vague language in those sections which revolve around charter school-school district issues. Resolution of these issues and maintenance of fairly good relationships between these two public institutions hinge on both review and revision by state legislators and more precise

and consistent interpretations, objective rather than subjective, by the Pennsylvania Department of Education. For the most part, only a small percentage believed that PDE needed to provide a fairer and consistent interpretation of the legislation. That group is adamant in their beliefs that PDE is holding charter schools to a higher standard than public schools; some of the mandates being rendered by PDE appear to erode the very basis of their existence....freedom from bureaucratic regulations. In addition, this means that charter schools are being held more accountable than public schools. Low achievers exist in public schools without the threat of closing; but charter schools do not possess that luxury.

The claims of unclear legislative language appears to serve some other purpose. Perhaps that purpose might be viewed as strong support for charter schools as an educational reform platform in the state, but with underlying currents of defeating their survival fostered by bureaucratic interpretation of those vague sections. In examining this possibility, there must be an understanding of the political scene currently governing the existence of this school reform effort. Initially, the governor attempted to have the legislature approve a voucher bill. It did not pass since too many of their constituents were not in favor of vouchers. Then, the concept of initiating charter schools was introduced as a compromise to assuage both camps. A similar view is held by Contreras (1995) in his examination of these two factions. However, those legislators and special interest groups backing vouchers may have lobbied for unclear language with the outward good intent of having the interpretation left to those who must implement to charter program; this would include PDE, sponsoring school districts, and approved charter schools. Without full support and areas of the law well delineated, if charter schools are not successful, then detractors will indicate that this reform was provided with an opportunity to prove itself and that it was indeed well supported by a nationally recognized strong charter program. The next step would be to expand the newly reinstated approved voucher program recently introduced by the governor. According to Bierlein (1997), support for charter schools evolve mainly "as a means to ward off private school vouchers"...[some organizations] "work hard to ensure that only weak laws are enacted"(p. 59). Although this is not entirely the situation in Pennsylvania, the intent appears to be similar. 12

An examination of the level of support by the Pennsylvania Department of Education may be perceived as having a dual focus. On one hand, there is a massive effort to provide information, guidance, and finances to support charter school applicants. However, once granted a charter, the "flip side of the hand" appears and seems to withdraw that highly regarded promise of deregulation, bringing only dissension and confusion between the parties in advocating adherence to "the in-between-the legal- lines" of the law. Information on survival tips addressing the most urgent issues such as ensuring that charter school curricula is based on state standards, knowledge of which student populations will or will not be included in the state assessment program-voluntarily or involuntarily, fair assessment practices by acknowledgement of the academic level of the student population from start-up to assessment time for academic accountability, allowances for continued emergency use of non-certified substitute teachers, and providing information sessions for school board and school district personnel to decrease the tension and disputes between these constituents, to list a few considerations.

The level of satisfaction of most participants may only be attributed to two main factors: (1) lack of knowledge in these areas, and (2) insufficient time and management skills in maintaining their school program to enable academic officers to pursue rectification of those issues which are becoming barriers to charter school success. Of interest is the difference between urban and rural respondents in their perspectives on both vague legislation and PDE interpretation of the charter statue. Most urban academic officers were at odds with the large city school districts which "threw up roadblocks in every direction possible". The latter did not desire charters to infringe on their plans for charters within schools nor did they desire to transfer funding of students leaving their city schools for charters. On the other hand, suburban and rural charter school officers indicated that their sponsoring school districts were quite cooperative, especially in resolving issues vaguely related in the legislation. In some of these districts, there is less resistance to the charters because those school boards prefer the existence of charters over voucher systems. Dianda and Corwin (1993, in Contreras, 1995)

notes that charters in urban centers are "are more likely to have additional condition imposed on them...be overburdened by work....[with] host districts doing very little to help the schools"(p. 218). These authors also state that in rural and small communities, charter schools "enjoy the school district's support, and do not look all that different from any other progressive school"(p. 219). There is no suggestion that the district is threatened by the existence of charter schools. This account serves to depict one area in the state which was enjoying the good graces of their sponsoring school district until a "privitized, for profit group" applied for a charter. One chief academic officer reported that as of their presence, the local board started to become more restrictive which can be interpreted as a willingness to accept charters as long as they do not present a threat, however, when that scenario changes, the district assumes a "hardened" perspective on its dealings with the charters.

In those charter schools visited, regardless of new start-ups or private conversion types, innovative practice was conspicuously observable. Students were all actively engaged in student centered activities, teachers acting as guides, smooth transitions between activities, highly motivated pupils, computer-based research, environmental inquiry-based activities, etc. These appeared to be "places where children learn and where teachers teach". It is therefore hoped that there will be more of an effort on the part of legislators to strengthen the charter school legislation to support this school reform measure and provide those in pursuit of a different approach to educational practice the environment in which to pursue it.

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